

FORTY-NINTH DAY.

SENATE CHAMBER.
AUSTIN, TEXAS, Monday, Nov. 13, 1871. }

Senate met pursuant to adjournment. President Flanagan, President *pro tem.* presiding. Roll called. Quorum present.

Absent, excused—Senator Fountain.

Prayer by the Chaplain.

Journal of Saturday read and adopted.

UNFINISHED BUSINESS,

Election of a President of the Senate for the time being.

Candidates—Senators Bell, Bowers, Broughton, Dohoney, Douglas, Flanagan, Hall, Pettit and Pickett.

FOURTEENTH BALLOT.

Flanagan	15
Pettit	13
	<hr/> 28

Senator Flanagan having received a majority of all the votes cast, was declared duly elected as President of the Senate for the time being.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
Austin, Nov. 13, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate *pro tem.* :

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following Senate bills, to-wit: Senate bill No. 526, "An act to amend an act entitled 'an act to amend an act incorporating the city of Jefferson, in Marion county,' approved September 11, 1866, approved August 3, 1870:"

Senate bill No. 552, "An act to incorporate the Tyler Tap Railroad Company."

G. T. RUBY, Chairman.

Report read and received.

Report of Committee on State Affairs:

COMMITTEE ROOM,
Austin, Nov. 13, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate *pro tem.*:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 548, to be entitled "An act to authorize the county of Calhoun to improve the channel from the Gulf into Matagorda bay, and to create a bonded debt for that purpose," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

Report read and laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Dohoney, a resolution as follows:

WHEREAS, Senate joint resolution No. 39, providing for a general election in the State, having passed the Senate, and having been reconsidered was, on the twenty-third day of September last, recommitted to the Committee on State Affairs, which committee has not reported on the same; therefore,

Resolved, That the Committee on State Affairs are hereby required by the Senate to report said joint resolution No. 39 back to the Senate on to-morrow, for its action thereon.

Adopted.

Also, a resolution as follows:

WHEREAS, House bill No. 691, "An act repealing certain sections in the act authorizing the appointment of public printers in the several judicial districts," was received by the Senate on the twenty-seventh of October, and referred to the Committee on Printing on the thirty-first of October, 1871; therefore

Resolved, That the Committee on Printing be required by the Senate to report said bill back to the Senate on to-morrow, for its action thereon.

Senator Ruby moved to lay the resolution on the table.

Yeas and nays called for and motion to lay on the table lost by the following vote:

Yeas—Baker, Bell, Flanagan, Ford, Hertzberg, Hillebrand, Parsons, Pettit, Rawson, Ruby, Saylor—11.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Hall, Latimer, Pickett, Pridgen, Pyle, Shannon, Swift, Tendick—16.

Senator Saylor moved to refer the resolution to the Committee on Printing.

Yeas and nays called for and the motion to refer lost by the following vote:

Yeas—Baker, Bell, Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—13.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pyle, Shannon, Swift, Tendick—14.

The question then being upon the adoption of the resolution, the yeas and nays were called for and the resolution adopted by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Hall, Latimer, Pickett, Pyle, Shannon, Swift, Tendick—15.

Nays—Mr. President, Baker, Bell, Ford, Hertzberg, Hillebrand, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—12.

By Senator Bowers: a bill (Senate bill No. 556) to be entitled "An act creating the land district of Pecos." Read first time and referred the Committee on Public Lands.

By Senator Bell: a bill (Senate bill No. 557) to be entitled "An act to amend the second and third sections of an act entitled 'an act to organize a system of public free schools in the State of Texas,' approved April 24, 1871." Read first time and referred to the Committee on Education.

By Senator Parsons: a bill (Senate bill No. 558.) to be entitled "An act to incorporate the Jefferson Real Estate, Trust and Dollar Savings Company." Read first time and referred to the Committee on State Affairs.

By Senator Ford: a bill (Senate bill No. 559) to be entitled "An act to amend the twelfth section of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871." Read first time and referred to the Committee on Finance.

House concurrent resolution No. 13, referring to martial law in Limestone and Freestone counties, was taken up and read first time.

Senator Gaines moved a call of the Senate. Call sustained.

Absent, not excused—Senator Mills.

Senator Mills appeared and answered to his name.

On motion of Senator Gaines the call was suspended.

Senator Saylor moved to lay House concurrent resolution on the table.

Yeas and nays called for, and the resolution laid on the table by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pyle, Shannon, Swift—13.

Senator Gaines called for the reading of House concurrent resolution No. 14, in relation to the adjournment of the Twelfth Legislature. Resolution read.

Senator Ruby made the point of order that the resolution could not be acted upon by the Senate without a suspension of the rules. The President ruled the point of order well taken and the resolution properly before the Senate for action.

Senator Ruby offered the following amendment: Amend by striking out words "second of December," and inserting "twenty-ninth of November."

On motion of Senator Gaines the amendment was laid on the table.

On motion of Senator Gaines, House concurrent resolution No. 14 was adopted.

Senator Pickett moved to reconsider the vote by which the Senate passed House concurrent resolution No. 14, and that the motion to reconsider be laid on the table. Carried, and the motion to reconsider laid on the table.

Under direction of the President, the Secretary returned to the House the following enrolled House bills, with information that the President had signed the same in open session: House bill No. 57, "An act to incorporate the Philosophronian Society of Trinity University;" House bill No. 209, "An act to incorporate the Richmond Relief Dramatic Club, of Richmond, Fort Bend county;" House bill No. 292, "An act granting to B. F. Colbert the privilege of constructing a ferry across Red River;" House bill No. 803, "An act to authorize James R. Harrington to erect a toll bridge over White Rock creek in Hill county, Texas;" and transmitting for concurrence of the House, Senate bill No. 526, "An act to amend an act entitled 'an act to amend an act incorporating the city of Jeffersn in Marion county,' approved September 11, 1866, approved August 3, 1870."

Message from the House by the Chief Clerk, Mr. Gallant, transmitting for concurrence House bill No. 822, "An act abolishing the office of Supervisor of Education in each judicial district of this State, and providing for the appointment of ten assistant superintendents of public instruction for this State;" and returning to the

Senate, Senate bill No. 487, "An act authorizing S. A. Cook to erect and keep a toll bridge across Mineral bayou, in Grayson county," with information that the House had passed the same with amendment, and had passed without amendment, Senate bill No. 521, "An act to authorize Sam. Davis and his associates to construct, own and keep a toll bridge on Sulphur Fork of Red River;" Senate bill No. 541, "An act to increase the area and enlarge the boundary of Lamar county;" Senate joint resolution No. 44, "Joint resolution for the relief of James H. Skinner, sheriff of Henderson county."

HOUSE BILLS ON FIRST READING.

House bill No. 745, to be entitled "An act to incorporate the Excelsior College." Read first time and referred to the Committee on Education.

House bill No. 748, to be entitled "An act to incorporate the North Texas Collegiate Institute, at Bonham." Read first time and passed to a second reading.

11:30 o'CLOCK A. M.

The hour having arrived for the consideration of the special order, substitute House bill No. 747, "An act authorizing a loan to meet deficiencies in the revenue of the State," on motion of Senator Bell, the special order was postponed until the matter pending should be disposed of.

On motion of Senator Bell, the rules were suspended, House bill No. 748 read second time, and passed to a third reading.

On motion of Senator Dohoney, the rules were further suspended, and House bill No. 748 read third time and passed.

Consideration of postponed special order, substitute House bill No. 747 resumed.

Bill read second time.

Senator Dohoney offered the following amendment: Amend section four, in line five, by inserting after the words "may direct" the words "provided said bonds shall never be sold at less than ninety cents on the dollar."

Senator Mills moved a call of the Senate. Call sustained.

Absent, unexcused—Senator Pridgen.

Senator Pridgen appeared and answered to his name.

On motion of Senator Gaines the call was suspended.

The question being upon the adoption of the amendment offered by Senator Dohoney, the yeas and nays were called for and the Senate refused to adopt the amendment by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Shannon, Swift—12.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

Senator Dohoney offered the following amendment: Amend section one, line five, by striking out the word "two" before the word "million" and insert "one;" also, further amend section one by striking out all after the word "follows" in line six, and before the word "five" at the end of line eight.

Senator Ruby moved to reject the amendment.

Yeas and nays called for, and the Senate refused to reject the amendment by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—14.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pyle, Shannon, Swift, Tendick—14.

The question then being upon the adoption of the amendment, the yeas and nays were called for and the Senate refused to adopt the amendment by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pyle, Shannon, Swift, Tendick—14.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—14.

Senator Pickett offered the following amendment: Amend section four, line nine, by inserting after the words "per centage" the words "not exceeding the one-fourth of one per cent."

Senator Gaines moved to lay the amendment on the table.

Yeas and nays called for, and the amendment was laid on the table by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pyle, Shannon, Swift—13.

Senator Dohoney offered the following amendment and moved its adoption: Amend section eight, line one, by striking out the word "five" and inserting the word "two."

Yeas and nays called for and the amendment adopted by the following vote:

Yeas—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pyle, Shannon, Swift—14.

Nays—Mr. President, Baker, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—13.

Senator Saylor moved a call of the Senate. Call sustained.

Absent, not excused—Senator Tendick.

Senator Tendick appeared and answered to his name.

On motion of Senator Gaines, the call was suspended.

Senator Bowers offered the following amendment: Amend section four by adding after the word "direct," in line five, the words "*provided* no member of the Twelfth Legislature nor other officer of the State Government shall be appointed such agent."

Senator Ruby moved to reject the amendment.

Yeas and nays called for and motion to reject lost by the following vote:

Yeas—Mr. President, Baker, Ford, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—14.

Nays—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Hall, Latimer, Pickett, Pridgen, Pyle, Shannon, Swift, Tendick—14.

Senator Saylor moved to postpone the further consideration of substitute House bill No. 747, until to-morrow at 11:30 A. M.

Yeas and nays called for and motion to postpone lost by the following vote:

Yeas—Mr. President, Bell, Ford, Hertzberg, Hillebrand, Mills, Pickett, Pridgen, Ruby, Saylor, Swift, Tendick—12.

Nays—Baker, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Hall, Latimer, Parsons, Pettit, Pyle, Rawson, Shannon—16.

Question being on the adoption of the amendment offered by Senator Bowers, yeas and nays called for, and the amendment adopted by the following vote:

Yeas—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pridgen, Pyle, Shannon, Swift, Tendick—16.

Nays—Mr. President, Baker, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—12.

Senator Bowers moved that substitute House bill No. 747 be postponed and be made the special order for to-morrow at 11 o'clock.

Yeas and nays called for, and motion carried by the following vote:

Yeas—Mr. President, Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Hall, Latimer, Mills, Pickett, Pridgen, Pyle, Saylor, Shannon, Swift—19.

Nays—Baker, Ford, Hertzberg, Hillebrand, Parsons, Pettit, Rawson, Ruby, Tendick—9.

Senator Pridgen submitted the following reports of Committee on Enrolled Bills:

COMMITTEE ROOM, }
Austin, Nov. 10, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate, *pro tem.* :

SIR: Your Committee on Enrolled Bills would report that they have examined and find correctly enrolled Senate bill No. 454, entitled "An act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company," and presented the same this day at 3 o'clock to the Governor for his approval.

B. J. PRIDGEN, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 10, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate, *pro tem.* :

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 339, entitled "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature," and to-day at 12 o'clock M. presented it to the Governor for his approval.

B. J. PRIDGEN, Chairman.

Reports read and received.

[Senator Pettit in the chair.]

By permission of the Senate, President Flanagan made some appropriate remarks in relation to the death of the late President of the Senate, Hon. Don Campbell.

On motion of Senator Broughton, the Senate at 12:30 P. M. adjourned to 10 A. M. to-morrow.
